

## Compliance Assessment Report CAR\_NRW0041920

**Permit being assessed:** AB3092FR.

For: Llantrisant Recycling, held by Llantrisant Recycling Centre Limited

At: Llantrisant Recycling, Pantybrad Lane, Llantrisant, Pontyclun, CF72 8YY.

**Type of assessment carried out:** Site Inspection, Reason: Routine.

On 12/05/2023 between 11:15 and 14:40.

Parts of permit assessed: All

**NRW Lead Officer:** Laoni Tye, accompanied by Amy Bailey.

**Report sent to:** Tom Prichard and George Harvey , Director and Technically Competent Manager on 14/07/2023.

### 1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
F1 - Amenity - Odour	C3 Minor	3.3.1
A1 - Specified by permit	C2 Significant	2.3
D2 - Incident Management - Accidents, emergency and incident planning	C2 Significant	3.6.1
C3 - General Management - Materials acceptance	C3 Minor	2.3.2
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C3 Minor	4.1.2 and 1.1.3
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
6	78

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

### 2. What action is required?

Criteria	Action needed	Complete by
F1	Please provide waste transfer notes for the last 3 months for the tankering of the leachate by 22nd June 2023. Waste piles need to be reduced and compost managed properly in line with PAS and QP procedures. Complete an investigation into the causes of odour on site and submit to NRW by 22nd June 2023. Weather station data for the date of the inspection, 12th	22/06/2023

Criteria	Action needed	Complete by
	May 2023 to be submitted.	
A1	Conduct a full investigation into the circumstances around this breach and feedback to NRW. Please note that all compost on site is considered a waste pending further investigation and is therefore subject to waste regulatory controls	29/06/2023
D2	This element of the FPMP needs to be reviewed in line with the guidance. Remove any drums on site in line with FPMP guidance. Remove any unpermitted gas cylinders on site in line with FPMP guidance. All waste needs to be managed fully in line with FPMP guidance which includes ignition sources, water supplies, stockpile rotation, drainage, stack sizes and separation distances.	27/07/2023
C3	Remove this unpermitted waste type and provide evidence of removal to NRW by 22nd June 2023.	22/06/2023
G2	Please ensure that site records, plans and management system are kept in the manner specified in the permit and are available to view on site at all times- ONGOING ACTION.	22/06/2023
C2	Review EMS and send updated copy to NRW	26/06/2023

Action criteria codes are listed in the 'Important information' section below.

### 3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

**You are non-compliant with your permit.**

**We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.**

### 4. Details of our assessment

**\*\*Originally issued 5.6.23\*\* Amended 14.7.23\*\***

Senior officer and site regulator Laoni Tye visited site with officer Amy Bailey on the 12<sup>th</sup> May 2023 for an unannounced inspection. The weather was sunny and dry at the time of the visit. The site was due an inspection as part of normal regulation activities and there was a focus on the green waste activities. We had also received complaints in recent weeks of odour and large stockpiles on site.

On arrival, we were advised by the weighbridge operator following an induction that George Harvey was on his way to site. We were then advised that Callum Mitchell would be meeting us instead. We were advised that we needed to wait for Callum to arrive due to health and safety and that the shift manager from the picking line, who was there to accompany us, could no longer take us around. We waited for 45 minutes in total for Callum to arrive before going onto site. Please note,

that for all future visits we will be proceeding with the inspection without managers should they not be available on arrival.

There were breaches recorded during the visit which are outlined below.

#### Odour

##### **F1 Amenity odour. Category 3 breach.**

**Permit condition 3.3.1 states that emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.**

Upon the approach and subsequent entry to the site, there was a very strong odour of anaerobic composting as well as general waste. Whilst walking around the site it was observed that the green waste area and leachate/site drainage storage lagoon were identifiable as the most prominent sources of odour. At times the odour was overpowering and could be felt at the back of the throat. NRW has had complaints in regard to odour and this therefore corresponds to that.

The OMP states that leachate will be tankered away at regular intervals to avoid odour release.

#### **Action-**

- **Please provide waste transfer notes for the last 3 months for the tankering of the leachate by 22nd June 2023.**

The Odour Management Plan (OMP) submitted 18<sup>th</sup> March 2021 specifies that daily sniff tests will be conducted on a daily basis at nine odour monitoring points and recorded in an Odour Assessment Report and that an odour diary will form part of the site diary completion. The OMP states that daily meteorological monitoring is conducted by use of an on-site weather station.

Large piles of un-shredded green waste were observed. CM stated these piles had been on site for several weeks.



The OMP submitted 18<sup>th</sup> March 2021 states that material will be shredded no longer than five days after waste reception.

#### **Actions-**

- **Waste piles need to be reduced and compost managed properly in line with PAS and QP procedures.**
- **Complete an investigation into the causes of odour on site and submit to NRW by 22nd June 2023.**
- **Weather station data for the date of the inspection, 12<sup>th</sup> May 2023 to be submitted.**

#### **Composting**

**A1 – Specified by permit. Category 2 breach.**

##### **Permit condition 2.3 Operating techniques**

**2.3.1 (a) The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by Natural Resources Wales.**

Table S1.2 stipulates numerous documents in regards to composting which have been breached due to waste trommel fines being found mixed in with shredded green waste destined for composting in the area of the site used only for green waste composting activity. Waste trommel fines are a separate activity and are not permitted as an input into the composting activity. This is a significant concern and breach of the Composting quality protocol, as well as other associated management systems. As discussed, this must be segregated and sent off site for disposal. There was also run off entering from the area of the site used for treating treated wood waste, which is not a permitted input. There was also some uncertainty in regards to the street sweepings and where these were deposited. We could see however that street sweepings appeared to be deposited at

the top of the site and run off could be seen coming from the area, with a potential to come into contact with the green waste and composting area.

At present you are not able to produce a product under the Compost Quality Protocol and therefore the material is be considered a waste at present.

**Action: Conduct a full investigation into the circumstances around this breach and feedback to NRW.**

**Action: Please note that all compost on site is considered a waste pending further investigation and is therefore subject to waste regulatory controls.**

There was only one windrow of compost going through the sanitisation step during the inspection. We discussed the processes with Callum who explained that the entire process lasts 12 weeks. Green waste comes in from kerbside collections from RCT and Blaenau Gwent, along with civic amenity sites. It is unloaded, contamination handpicked and then it is trolled then screened to 20mm. Shredding occurs with any oversize.

Temperature probes are used and a hand squeeze test for any moisture content. Windrows are formed 35m long, 4m tall and a maximum of 8m at the base. The monitoring is done once per day for 2 weeks and then the frequency reduces after this, during stabilization. Callum advised that only clean water is used on the compost to add moisture but could not confirm how this was carried out or where the water supply came from as they do not oversee this. Callum explained that they turn the piles approximately once per week. We asked for a demonstration of the monitoring but this could not be demonstrated as the monitoring equipment was not accessible.

We were advised that green waste is stored for approximately 2-3 weeks once it has arrived to site prior to being made into windrows. Callum confirmed that material is stored up until there is enough waste to create a windrow. This does not appear to be the case however, as there were significantly larger volumes being stored. This is in breach of the management systems submitted to NRW to date, which stipulate 5 days maximum storage (EMS version 3 submitted June 2017) or zero storage days (consolidated EMS submitted 2021 which has not yet been fully reviewed). This needs to be discussed in further detail as to how this process is working and how, in light of there not being enough space at present to properly carry out the composting activity, how the site proposes to move forward.

Document PAS 100 Standard Operating Procedures ref: CD-G045 2.3. Rejection or Acceptance and Storage of Input Materials states: 'Each load of biodegradable waste / material delivered for composting shall enter the site via the weighbridge. On arrival, all wastes will be visually checked to confirm that they meet the description and EWC assigned by the waste producer. If not, they will not be accepted on to site for any recovery operation and will either be returned to the waste producer or quarantined on site'.

When questioned about how the weighbridge operator checks the loads that come in, they confirmed they do not visually inspect all loads that come in. There are no camera's operating from the office that can see into the lorries. Waste acceptance procedures are therefore not being properly carried out.

This is a breach of the sites composting procedures and is discussed under C2 – management systems.

### **Fire Prevention Mitigation Plan (FPMP)**

#### **D2 Accident, Emergency and Incident Planning. Category 2 breach**

**Permit condition 3.6.1 states, the operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention and mitigation plan guidance.**

Green waste stack sizes exceeding sizes, approx. 5-6 metres in height and in large piles, were not being appropriately stored. If green waste is not going through its active composting stage then it needs to be stored in line with guidance. The area was lacking in separation distances and can therefore not be considered to be separate stockpiles in regards to the FPMP.

Other waste stacks were also in close proximity to each other on site, and are therefore not stored in line with FPMP requirements. Due to inappropriate fire breaks, this would be considered as one large stockpile. Should there be a fire this would easily spread. Plant and machinery were being stored close to waste piles which is a risk of ignition. Plant and machinery has caused a fire on this site previously. This poses a significant risk to the environment and impacts the FRS and its capability to deal with a fire should one occur.

We observed waste being stored higher than the concrete storage blocks. There should be a minimum of 1 metre free board between the waste and bunker height. The slot drains that run along the bottom of the site were full and run-off was therefore able to by pass these drains, in the event of a fire this could lead to fire water run off.



During the inspection we were informed that the water from the rainwater storage tanks is being used for dust suppression across the site. The FPMP dated 18<sup>th</sup> March 2021 references this supply for firefighting and use in an emergency situation. The water supply for fire fighting techniques is

therefore being used for dust suppression. Due to the sizes of the stockpiles it is unlikely to be sufficient.

**Action- This element of the FPMP needs to be reviewed in line with the guidance.**

During the visit we observed metal drums in the waste stockpiles. This is in breach of the FPMP clause 5.2 which states 'The deposit of drummed waste will not be allowed at the site'

**Action- Remove any drums on site in line with FPMP guidance.**



During the visit we observed gas cylinders being stored inappropriately which is in breach of the FPMP clause 4.3.h which states 'Flammable materials such as oils grease fuels paints will not normally be kept on site. Fuels for mobile plant are bought to site by self-propelled bowser. Any other flammable materials which are bought to site for the purposes of repair or maintenance of the facility shall be kept in a steel container located at least 10 metres away from any structures or combustible stacks of materials. This is also an unpermitted waste type.

**Action- Remove any unpermitted gas cylinders on site in line with FPMP guidance.**

Due to the significant impact a fire on site would have, with nearby receptors and the non-compliances with the FPMP which could foreseeably lead to a fire, you have been scored a category 2 breach.

**Action- All waste needs to be managed fully in line with FPMP guidance which includes ignition sources, water supplies, stockpile rotation, drainage, stack sizes and separation distances.**

**Please note, the sites FPMP has only been partially reviewed alongside variation**

applications. A full review of the FPMP is required by NRW. In the meantime the site is responsible for operating in line with the FPMP guidance.

### **Operating techniques**

#### **C3 materials acceptance- Category 3 breach**

Permit condition 2.3.2 states 2.3.2 Waste shall only be accepted if: (a) it is of a type and quantity listed in schedule 2 table(s) S2.1 [, S2.2 etc].

The presence of gas cylinders and oil drums is therefore a breach of the permit.

**Action- Remove this unpermitted waste type and provide evidence of removal to NRW by 22nd June 2023.**

### **General Management and Reporting**

#### **G2 Records of activity, site diary/journal/ events. Category 3 breach.**

Permit condition 4.1.2 states that the operator shall keep on site all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by Natural Resources Wales. Furthermore, in relation to a written management system, permit condition 1.1.3 states that any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of it kept at or near the place where those duties are carried out.

During the inspection we were informed that paperwork was stored in the office which was locked due to Howard Oakes, the sites Waste Manager being on holiday. NRW officers were not able to view paperwork during the visit and the site managers and staff had no access to management system documents. Paperwork availability has been raised in previous CAR forms.

**Action- Please ensure that site records, plans and management system are kept in the manner specified in the permit and are available to view on site at all times.**

### **Environmental Management system**

#### **C2 Management systems. Category 3 breach.**

Permit condition 1.1.1 states that 'The operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and (b) using sufficient competent persons and resources'.

Due to the multiple breaches identified on site, the written management system has failed to identify and minimise a breach of the permit. Odour assessments not completed, person on site not able to operate monitoring equipment, weighbridge operator uncertain as what material went over the weighbridge. They stated that they do not visually inspect all loads that come in. There are no camera's operating from the office that can see into the lorries. Waste acceptance procedures are therefore not being properly carried out. Weighbridge operator was also unsure of what materials do and do not pass over the weighbridge and could not confirm if the tankering of leachate waste had passed over the weighbridge and they did not know what happened with this. CM was also uncertain.

Odour assessments are not being conducted as specified in the OMP or in accordance with the process monitoring requirements specified in table S3.1 of the permit.

The office that contains all relevant paperwork, the EMS and monitoring equipment was locked and not accessible to a member of staff on site. This meant that odour management plans could not be accessed and NRW unable to review records to assess compliance

The activities on site were causing a strong odour and need to be investigated.

**Action- Review EMS and send updated copy to NRW**

**Drainage**

Comments made in the previous CAR around drainage still need to be addressed. These were:

There have been numerous discussions in regard to the drainage on site and it has not been clear on previous visits as to what areas of the site drains to where and whether there have historically been discharges to the watercourse. The infrastructure and drainage on site has changed significantly over the years and is complex, with discharges (not associated with the permitted area), discharging via the settlement lagoon which is part of the waste permit. In the visit on the 22<sup>nd</sup> October 2021, the drainage had again changed, with some of the run-off from the fields surrounding the site being diverted to the watercourse and the underground sump discharging directly into a storage lagoon, which now appears to have been sealed off from the settlement pond. The settlement pond is in place to serve areas of hardstanding, but there are no areas of hardstanding on site. This current drainage is not reflected within the EMS or permit and needs to be updated.

In order to fully understand the site drainage we request a full drainage survey is completed and submitted to NRW. This plan needs to be unambiguous and the survey provided with the local authority planning application reference 20/1319/10 will not suffice. Comments made on this can be provided to you separately should you require them.

The drainage plan should include any discharges, from this site or the lower slab, which discharges into the storage lagoon and/or settlement pond. As discussed Llantrisant Recycling Ltd are currently responsible for the outfall to the watercourse and therefore any discharges into the lagoon/settlement pond will be the responsibility of Llantrisant Recycling. It is therefore important the drainage is fully understood by all and properly reflected within the permit.

The drainage plan will need to then be incorporated into the permit (EMS) also ensuring that any lagoons or storage tanks are sufficient for the volume of run off from the concreted slab.

**Action: A full drainage survey is required to be submitted as part of a permit variation. Please provide NRW with a timeframe as to when you will be submitting a variation application to NRW by 22nd June 2023.**

**Other comments**

**Mattress treatment**

Following the last inspection and subsequent discussions around whether mattress treatment is permitted or not. We can confirm that mattress treatment is not permitted, due to reasons already outlined in that this was not applied for at the time of the variation as mattresses were for bulking only. We do however acknowledge that this should have been restricted within the permit under operating techniques. We will therefore need to carry out an NRW led variation to prohibit this activity which will be carried out by the permitting team. You can apply to include this treatment activity as part of your next variation application. In the meantime, you should not be treating

mattresses on site as the environmental risks associated with this activity (and health risks) have not been assessed.

Thank you for your time during the inspection, if you have any questions please get in touch.

\*\*We apologise for any photographs that are rotated, this is a technical issue and cannot be remedied at this time\*\*

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

## Important information

### Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

### Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

### How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

### **What are suspended scores?**

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

**Full list of Industry and Waste action criteria (used in section 1 and 2):**

#### **A: Permitted activities**

- A1 Specified by permit

#### **B: Infrastructure**

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

#### **C: General management**

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

#### **D: Incident management**

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

#### **E: Emissions**

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

#### **F: Amenity**

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

#### **G: Monitoring and records, maintenance and reporting**

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

#### **H: Resources efficiency**

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

### **Enforcement response**

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

### **Data protection notice**

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

### **Disclosure of information – this report will be available to view on-line**

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

### **What do I do if I disagree with the report or have a complaint?**

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

### **Welsh Language Standards**

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.